

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS – AMARILLO DIVISION**

MIKE FISHER,
Plaintiff,

v.

CITY OF AMARILLO, et al.,
Defendants.

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2:20-CV-64

PLAINTIFF’S MOTION FOR LEAVE TO LATE FILE RESPONSE
NUNC PRO TUNC

COMES NOW Plaintiff Fisher to move this Court for leave to file his Response and Objections to Franchisor Defendants’ Motion to Dismiss 12(b)(6) (Document 29) more than 21 days after the filing of said Motion to Dismiss.

I. BACKGROUND

1. Plaintiff would show the Court that the undersigned prepared and filed a timely response to Document 29 on Friday, June 12, 2020. The undersigned believed that the filing was successful and had no reason to suspect otherwise until the following Monday, June 15, 2020. It then became apparent that some technical difficulty or unintentional error had prevented the completion of the filing.
2. Plaintiff has filed the response, currently in the docket as Doc. 42.
3. No party will be prejudiced by the granting of this request.
4. No conference has occurred on this motion. The parties have scheduled a joint status meeting, and Plaintiff will have an additional opportunity to confer.

II. PRAYER

5. Plaintiff respectfully requests that this Court grant him leave *nunc pro tunc* to file his Response to Franchisor Defendants' Motion to Dismiss (Doc. 29) which has been filed and in the Court's docket (Doc. 42), so that said Response be considered timely. Plaintiff believes that this will afford the Court the opportunity to make a more complete assessment of the Motion's merits.

Respectfully submitted,

NORRED LAW, PLLC

/s/ Warren V. Norred

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Attorney for Plaintiff

CERTIFICATE OF SERVICE - I certify that the above was served on all parties seeking service in the instant case via the Court's e-file system on June 15, 2020.

/s/Warren V. Norred

CERTIFICATE OF CONFERENCE - I certify that I attempted conference with counsel with all parties by email on June 15, 2020. Because of the large number of parties,

/s/Warren V. Norred

DECLARATION UNDER PENALTY OF PERJURY

STATE OF TEXAS §

TARRANT COUNTY §

“My name is Warren Norred. My date of birth is February 21, 1963, and my address is 515 E. Border St., Arlington, TX. I declare under penalty of perjury that I have personal knowledge of the above statements of fact, particularly paragraphs numbered 1-4, which are true and correct.”

EXECUTED on June 15, 2020.

/s/Warren V. Norred

Warren V. Norred